

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

MAR 30 2006

JAMES W. McCORMACK, CLERK  
By: *[Signature]*  
DEP. CLERK

KAY CARTER and ADELL YOES

PLAINTIFFS

V.

CASE NO. 4 - 06 - CV - 0396

LOGAN BREWER YOUNG, III

DEFENDANT

COMPLAINT

This case assigned to District Judge *Wilson*  
and to Magistrate Judge *Ray*

I. Introduction

1. This is a drunk driving, personal injury lawsuit arising from a car wreck occurring at Wilburn, Arkansas, in Cleburne County.

II. Parties

2. Plaintiffs, Kay Carter and Adell Yoes, were residents of White County, Arkansas at the time of the wreck and continue to reside in White County. Adell Yoes is the mother of Kay Carter.

3. Defendant Logan Brewer Young, III, resided at 226 East Goodwyn in Memphis, Tennessee at the time of the wreck and it is believed that he still resides at that address.

III. Jurisdiction & Venue

4. Jurisdiction is proper under 28 U.S.C. § 1132 because the matter in controversy exceeds the value of \$75,000.00 for each Plaintiff, exclusive of interest and costs, and the controversy is between citizens of different states.

5. Venue is proper under 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district, and for other reasons stated in the above statute.

and to Magistrate Judge [redacted] of the  
United States District Court for the District of Columbia.

#### IV. Facts

6. Adell Yoes and Kay Carter were returning from Drasco, Arkansas on the evening of October 1, 2005.

7. Kay, Adell's daughter, was driving her 1993 Buick Le Sabre, and Adell was riding in the passenger seat. They were returning home from a family reunion. The family has a reunion every year in Drasco at the "old home place" on the first Saturday in October.

8. On that same evening, Memphis resident, Logan B. Young, III, was apparently drinking and driving. He was driving a 2002 Ford Thunderbird.

9. Tragically, the intoxicated Mr. Young and Kay Carter and Adell Yoes approached a curve on State Highway 110 at Wilburn at the same time. Kay Carter was eastbound on State Highway 110. Mr. Young was westbound on State Highway 110.

10. Mr. Young straightened out the curve in the highway. Instead of directing his vehicle to the right and staying in his lane of traffic, he drove through the curve and violently smashed into Kay Carter and Adell Yoes.

11. The intense force of the head-on collision caused Kay Carter's vehicle to spin clockwise in the opposite direction that she was heading.

12. When the Arkansas State Police arrived, they located Mr. Young and noted that he smelled strongly of alcohol. He admitted driving through the curve.

13. The State Police noted that Mr. Young's speech was slurred. His eyes were bloodshot. He was obviously drunk.

14. Mr. Young failed field sobriety testing at the scene.

15. Kay Carter's vehicle was totaled in the wreck. She and her mother were transported by ambulance to a hospital in Heber Springs. Their lives have not been the same since.



## V. Negligence

16. All previous allegations herein are incorporated into this count.

17. Mr. Young had a duty to use ordinary care and to otherwise not act negligently in the operation of the 2002 Ford Thunderbird.

18. Mr. Young failed to use ordinary care and was otherwise negligent in the operation of the Ford Thunderbird. Among other things, Mr. Young was charged with driving while intoxicated and reckless driving by the Arkansas State Police. Mr. Young's actions were the proximate cause of serious injuries and damages to both Kay Carter and Adell Yoes.

19. As a proximate cause of Mr. Young's actions, Adell Yoes suffered significant injury including brain injury, black eyes, facial laceration, and multiple contusions to her arms and legs.

20. Prior to the wreck, Adell lived alone and took care of herself. She cooked Sunday dinner (lunch) every week so that the family could gather at her home. Due to Mr. Young's actions, Adell can no longer care for herself, can no longer live alone, and has been unable to continue the tradition of the Sunday meals.

21. Due to Mr. Young's actions, Kay Carter suffered an avulsion fracture to her left ankle and other injuries and her ankle injury has required her to be off work. Kay is still walking with a limp.

22. Both Kay Carter and Adell Yoes have incurred medical bills, prescription bills, pain and suffering, mental anguish, and permanent damages due to the negligence of Mr. Young. Adell Yoes and Kay Carter are both entitled to damages in excess of the minimum amount required for diversity jurisdiction in federal court.

23. Adell Yoes and Kay Carter are entitled to punitive damages, to the extent awarded by a jury, because Mr. Young knew or ought to have known, in light of the surrounding



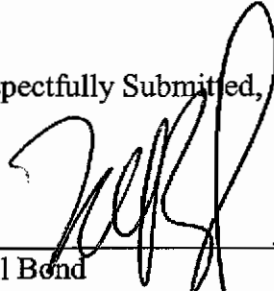
circumstances, that his conduct would naturally and probably result in injury or damage and because Mr. Young continued such conduct with malice or in reckless disregard of the consequences from which malice may be inferred.

**VI. Demand for Jury Trial**

24. Plaintiffs demand trial by jury.

WHEREFORE, Adell Yoes and Kay Carter pray that their Complaint be granted, that they both be awarded damages in excess of the minimum required for federal diversity jurisdiction, that they be awarded punitive damages, and for all other just and equitable relief to which they may be entitled.

Respectfully Submitted,



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